

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member(J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – OA-1104 of 2016.Sambhu Kumar Sen. Vs The State of West Bengal & Others.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
07 <hr/> 14/01/2019	<p>For the Applicant : Mr.M.N. Roy, Ld. Advocate.</p> <p>For the State Respondents: Mr. S.K. Mondal, Ld. Advocate.</p> <p><i>The instant application has been filed praying for setting aside of the second show cause notice dated 02.11.2016 issued by the Superintendent of Police, North 24 Parganas. The applicant has fairly submitted that he is pressing the prayer (a) only. As per the applicant, the disciplinary proceeding dated 15.06.2015 was initiated basically alleging that he had conducted second marriage during the life time of his first wife and without consent of the department. Therefore, he participated in the enquiry proceeding and ultimately one second show cause notice dated 02.11.2016 was served upon him proposing a penalty of dismissal from service. Being aggrieved with, he has filed the instant application and this Tribunal vide their order dated 11.11.16 directed the disciplinary authority not to pass any final order till further order. However, it was made clear that the applicant is at liberty to file reply to the second show cause notice within 10</i></p>	

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	<p><i>days.</i></p> <p><i>In pursuance to the said order the applicant has filed his reply. However, the respondent did not pass any order as per the direction of this court. Hence, this application is before us.</i></p> <p><i>During the course of hearing, the counsel for the respondent has submitted that proposed punishment mentioned in the second show cause notice is a tentative punishment which is yet to be finally decided by the disciplinary authority. However, due to the order of this Tribunal, till date, no final order has been served upon the applicant. Further, the applicant may file appeal against the final order also, if aggrieved by the same. Therefore, this application is pre-matured one and is liable to be dismissed.</i></p> <p><i>Heard both the parties and perused the records. It is noted that the applicant has come at the very initial stage i.e. after issuance of second show cause notice proposing one punishment of dismissal though till date no decision in this regard has been taken. Therefore, we are agreeable with the contention of the respondents that the applicant would have made appropriate submission before the authority for any reduction of his punishment, if there is any confirmation of the proposed</i></p>	

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GM	<p><i>punishment also. In that case, he may also approach the appellate authority. Therefore, in our considered opinion, the application is pre-mature one. However, the respondents are directed to pass final order after considering the reply of the applicant in accordance with law within three (03) months from the date of communication of this order. Accordingly, the OA is <b>dismissed</b> with the above observation and direction.</i></p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER(J)</b></p>	